

Vern Johnson, Mayor  
Richard Sowrey  
O.B. Thomas

**AGENDA**  
**CITY OF CLEAR LAKE SHORES**  
**CITY COUNCIL REGULAR MEETING**  
**June 15, 2010, 6:00 p.m.**

Alton Burns, Jr.  
Tami Perkins  
Jackie Fuller

NOTICE is hereby given of a Regular Meeting of the City Council for the City of Clear Lake Shores, County of Galveston, State of Texas, to be held on the above mentioned date and time at the Club House, 931 Cedar Road, Clear Lake Shores, Texas, for the purpose of considering the following numbered items. The City Council of the City of Clear Lake Shores, Texas, reserves the right to meet in a closed council session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. WORKSHOP: FARMER'S MARKET**

- a. **Presentation of financial picture income and expenses of the Farmer's Market** (Councilwoman Perkins)
- b. **Discussion of vendor residency make-up** (Councilwoman Perkins)
- c. **Discussion of parking problems and the impact of keeping commercial lots empty for parking in lieu of having businesses there** (Councilwoman Perkins)
- d. **Discussion of footprint of Farmer's Market and economic benefit (to City) vs. full time businesses and best use of commercial property within City** (Councilwoman Perkins)
- e. **Discussion of benefits of market to residents of City** (Councilwoman Perkins)
- f. **Discussion of volunteers, staffing and management** (Councilwoman Perkins)
- g. **Discussion of current status and future plans for the Farmer's Market** (Councilman Sowrey)

**2. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**3. CITY ADMINISTRATOR REPORT & CORRESPONDENCE**

**4. STAFF/COUNCIL REPORTS: Fire Department, Emergency Services Board, City Council**

**5. UNSCHEDULED VISITORS<sup>§</sup>**

**6. CONSENT AGENDA:**

- a. **Check Register from May 26, 2010 to June 10, 2010**
- b. **Cash Balance Summary as of June 10, 2010**
- c. **April 20, 2010 minutes**
- d. **Confirmation of staggered terms for the ZBOA**
- e. **Ordinance 2010-07: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY AMENDING SECTION 66-140(b)(2)(i) OF ARTICLE V, CITY PARKS, OF CHAPTER 66, STREETS, SIDEWALKS, AND PUBLIC PLACES, BY RAISING THE AGE OF UNSUPERVISED SWIMMERS AT PUBLIC POOLS FROM TEN TO TWELVE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

- 7. OLD BUSINESS - Discussion and possible action may be taken on the following items:**
- a. Update and disposition of the house located at 1019 Forest Road** (City Administrator Shelley for Councilman Thomas)
  - b. Request from Will Roach regarding Waterfront leases A-006B & C74A2, revoked by Council on October 20, 2009 for default** (Mayor Johnson)
- 8. NEW BUSINESS - Discussion and possible action may be taken on the following items:**
- a. Nomination and approval of Pool Committee Liasion** (Mayor Johnson)
  - b. Increase of Concert Series budget by \$2,000 (from \$5,000 to \$7,000)** (Mayor Johnson)
  - c. Pool Membership Fee for Lazy Bend Residents** (Mayor Johnson)
  - d. Repairs for waterfront leases revoked by or forfeited to the City** (City Administrator Shelley)
  - e. Request for Planning/Zoning Committee to review Municipal Code, Article VIII, Section 82-425, "Granting of special exceptions under the board of adjustment" for modification or elimination at their July 12 meeting and report back to City Council with recommendations within 30 days thereafter** (Councilman Sowrey)
  - f. Request for legal counsel to give explanation of limitation of city liability with regard to the Plaza Ten 06 Corporation directors being City Council members, to describe legal reasons and case histories which indicate limitation of liability, and to describe instances where this type of corporation has helped the City** (Councilwoman Perkins)
  - g. Nomination and approval of three Plaza Ten 06 Corporation directors** (Councilman Thomas)
- 9. ADJOURNMENT**

#### **CERTIFICATION**

I, Karen Mericle, City Secretary, certify that this Notice of Meeting was posted on the outside bulletin board at 931 Cedar on or before Friday, June 11, 2010.

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**Karen Mericle**  
**City Secretary**

<p><b>In compliance with the Americans with Disabilities Act, the City of Clear Lake Shores will provide reasonable accommodations for disabled persons attending City Council meetings. Requests for interpretive services must be made 48 hours prior to this meeting by calling 281-334-2799 or by faxing to 281-334-2866.</b></p>
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City Council encourages positive public comment and discussion during its meetings and reserves time during most Council meetings to hear such comments from either Scheduled or Unscheduled Visitors. However, the Texas Open Meetings Act places certain constraints on topics raised by such visitors where such discussions are not related to an item that has been placed on the Council's posted Agenda (Attorney General Opinion JC-0169). The most effective way for an individual to have their voice heard and to receive feedback at a City Council meeting is to contact the City Secretary no later than Noon on the Wednesday prior to an upcoming Council meeting and request that their name be placed on a future agenda as a Scheduled Visitor. When you make this request, please state specifically the subject you wish to discuss. The City Secretary will place your name on the Agenda along with a specific description of the subject to be discussed. If you fail to provide a specific description of the subject of your requested discussion, then Council will have no choice but to refer the matter to City staff for response or defer any feedback or discussion on the matter until a future Council meeting when the subject can be placed on the Agenda. Comments should be limited to five (5) minutes and directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers.

## Farmers Market Timeline

<b>June 2008</b>	Farmers Market discussion began
<b>08-05-08</b>	Presentation by Dee Jenkins, Resolution 2008-15 approved
<b>08-19-08</b>	Plaza ten executes contract w/Dee Jenkins (not to exceed \$2,500.00 through September 30, 2008).
<b>09-21-08</b>	After Ike, project put on hold indefinitely
<b>11-18-08</b>	Mayor places Famers Market on Council Agenda for discussion.
<b>03-03-09</b>	Pete presented proposal to council; \$10,000 Plaza Ten budget approved.
<b>03-17-09</b>	Plaza Ten approved project and budget
<b>04-07-09</b>	Plaza Ten met discussion regarding Bay Area Glass
<b>04-18-09</b>	1 <sup>st</sup> Farmers Market
<b>04-21-09</b>	Vendor Agreement ratified by Plaza Ten
<b>05-05-09</b>	City Council approved amendment of Farmers Market contribution from \$10,000 to \$12,000
<b>05-19-09</b>	City Council amended Plaza Ten Famers Market to add \$8,000; Plaza Ten approved increase of Farmers Market budget from \$12,000 to \$20,000 to purchase portable building and refrigerated trailer.
<b>09-14-09</b>	City paid \$8,000 to Plaza Ten for Farmers Market Contribution
<b>09-22-09</b>	Plaza Ten approved Artisan Market for rental fee of \$1,000
<b>11-06-09</b>	General Fund paid Farmers Market Contribution of \$10,000
<b>11-16-09</b>	Artisan Market Deposit \$1,000
<b>11-17-09</b>	Plaza Ten approved Farmers Market every Saturday
<b>12-01-09</b>	Plaza Ten approved Farmers Market to sell Christmas Trees and Wreaths.
<b>04-20-10</b>	Plaza Ten parking for Famers Market discussed (Pete handout)

## **RESOLUTION NO. 2008-15**

**A RESOLUTION OF THE CITY OF CLEAR LAKE SHORES, TEXAS AUTHORIZING THE PLAZA TEN 06 CORPORATION, A LOCAL GOVERNMENT CORPORATION ORGANIZED BY THE CITY AND OPERATING PURSUANT TO CHAPTER 431 OF THE TEXAS TRANSPORTATION CODE, TO CARRY OUT CERTAIN ADDITIONAL ACTIVITIES OF A PUBLIC PURPOSE AS STATED IN THIS RESOLUTION, PRINCIPALLY THE START-UP AND OPERATION OF A FARMERS MARKET; MAKING CERTAIN FINDINGS; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND CONTAINING OTHER MATTERS RELATED TO THE SUBJECT.**

**WHEREAS**, the City of Clear Lake Shores, Texas has created Plaza Ten 06 Corporation, a Local Government Corporation, pursuant to the authority granted by Chapter 431 of the Texas Transportation Code; and

**WHEREAS**, the Texas Secretary of State issued a Certificate of Incorporation of Plaza Ten 06 Corporation (the "Corporation") on June 4, 2008; and

**WHEREAS**, the City Council of the City of Clear Lake Shores, Texas (the "City") desires to authorize the Corporation to carry out certain activities in addition to those already authorized, of a public purpose specified herein; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS:**

**Section 1.** The facts and matters contained in the preamble are hereby found to be true and correct.

**Section 2.** The City Council of the City authorizes the Corporation to take those actions necessary in its sole judgment to start-up and operate a Farmers Market utilizing the Jarboe Bayou Park Pavilion, and any other city facilities approved by the City Council of the City, on those dates and times to be determined, and to be approved through subsequent action by the City Council of the City.

**Section 3.** All resolutions or parts of resolutions that contradict or conflict with this resolution are hereby repealed to the extent of such conflict or contradiction.

**Section 4.** In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this 5<sup>th</sup> day of August, 2008.

Vern Johnson, Mayor

ATTEST:

Karen McDaniel, City Secretary

## **THE FARMERS MARKET AT CLEAR LAKE SHORES OPERATIONAL AGREEMENT**

This Operational Agreement between The Farmers Market at Clear Lake Shores ("The Market") for the City of Clear Lake Shores, Texas ("The City"), Plaza Ten 06 Corporation ("Plaza Ten") and \_\_\_\_\_ doing business as \_\_\_\_\_ ("Vendor") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The Market shall provide a marketplace where Vendors of fresh produce, prepared foods and food-related merchandise may sell directly to consumers. Vendor shall sell products at The Market. The parties agree that these foods and goods shall be sold under the following provisions.

1. The Market shall:
  - a. provide a safe, clean and organized place for Vendors to sell products;
  - b. advise local consumers of the availability of locally produced, high quality food products;
  - c. adhere to sanitation and health laws, regulations and common practices, including provision of bathrooms, a sink and water; and
  - d. provide a tent and clearly-marked location for Vendor to set up Vendor's table and products; tent space shall be assigned by The Market Committee and space may be reassigned by The Market Committee.
2. Vendor and all of Vendor's staff shall:
  - a. hold all required permits, licenses and insurance policies necessary for its business operation;
  - b. comply with all laws, regulations and The Market's procedures that relate to conduction business at The Market, including but not limited to refraining from smoking and drinking alcohol;
  - c. allow The Market representatives to inspect Vendor's farm and production facilities;
  - d. be prepared for business by 7:45 a.m. each day that The Market operates;
  - e. begin selling products at 8:00 a.m., no earlier and no later;
  - f. have Vendor's vehicle(s) parked in the designated parking area;
  - g. bring high-quality produce and/or food products that have been approved by The Market committee;
  - h. establish the price of Vendor's products at a fair market level and clearly indicate the prices of all items;
  - i. provide bags for the consumers' purchases;
  - j. make correct change for his or her customers' purchases;

- k. follow the procedures regarding tents that are provided by The Market, including:
  - i. setting up tent in the designated area before 7:45 a.m.
  - ii. cleaning, folding and storing the tent no later than 12:30 p.m., and storing it in the area designated by The Market Committee; and
- l. adhere to sanitation and health laws, regulations and common practices, including:
  - i. placing all sales products at a minimum height of 18 inches above ground level;
  - ii. maintaining Vendor's sales area in a neat and clean condition, including immediately cleaning up spills and dropped products to avoid accidents;
  - iii. working with all Vendors and The Market volunteers to clean the overall area of The Market at the end of the market sales time;
  - iv. providing products that are free of contamination before arriving at The Market;
  - v. having a neat and clean appearance, including wearing shoes and shirts at all times; and
  - vi. provide trash containers for Vendor's trash.

Vendor further agrees to defend, indemnify and hold harmless The City and Plaza Ten, and their officers, directors and employees, together with The Market, its committee members and volunteers, from and against any and all claims and demands resulting from Vendor's acts and omissions, whether for injuries to persons, or loss of life, or damage to property, on or off market premises, arising out of the use or occupancy of the market premises by Vendor and shall defend at Vendor's own expense any actions brought against Vendor and/or the City, Plaza Ten, and/or The Market.

Dated the date first entered above.

The City of Clear Lake Shore, Texas

Vendor

\_\_\_\_\_  
Vern Johnson, Mayor

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Karen Mericle, City Secretary



Plaza Ten 06 Corporation:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Secretary of Board of Directors of  
Plaza Ten 06 Corporation

	Income	Expenses	Contrib./Misc.	Notes
<b>Apr-09</b>	1,558.35	7,923.83	-	
<b>May-09</b>	5,477.86	9,544.05	-	
<b>Jun-09</b>	6,463.90	6,261.50	-	
<b>Jul-09</b>	151.00	2,390.25	-	
<b>Aug-09</b>	890.00	1,359.48	12,000.00	City contribution
<b>Sep-09</b>	1,090.00	7,359.63	8,000.00	City contribution
<b>Oct-09</b>	1,040.00	368.19	-	
<b>Nov-09</b>	2,270.00	2,330.42	11,000.00	City contribution (10K) & Artisan Mkt (1K)
<b>Dec-09</b>	1,010.00	3,712.39	-	
<b>Jan-10</b>	460.00	580.75	-	
<b>Feb-10</b>	1,560.00	1,565.13	-	
<b>Mar-10</b>	2,775.00	3,162.99	-	
<b>Apr-10</b>	3,831.00	2,075.68	-	
<b>May-10</b>	2,765.00	1,883.07	-	
	<b>31,342.11</b>	<b>50,517.36</b>	<b>31,000.00</b>	
	<b>Net Profit w/Contrib. (14 mos)=</b>		<b>11,824.75</b>	
	<b>Net Profit w/o Contrib. (14 mos)=</b>		<b>(19,175.25)</b>	

[illegible]

10-Jun-10	Clear Lake Shores Farmer's Market						
	Summary Budget Statement						
	Fiscal Year 09/10						
					</		

Workshop Topic - Discussion of current status and future plans for the Farmers Market.

Agenda Items:

The following questions should be addressed during the Workshop:

What role does the City want to play going forward?

What impact will the road improvement have on the Market and the entrance to CLS?

What impact will the change in hours from half day Saturday to two full days Sat and Sun?

What is the right mix of income to the city, convenience to citizens and disruption to the entrance traffic.

This topic was raised at the previous City Council meeting on June 1<sup>st</sup>.

Please include the following supporting documentation for the Workshop:

"I have been asked by Pete Carrothers to place this item on the agenda

The Farmers Market has reached a point where the Council needs to provide some direction on where it goes from here:

The current location is limited primarily by the lack of parking. Roughly 50 vendors is the current maximum. Tent labor and porta potties are a major expense. The City will net approx. \$8-12,000 this fiscal year if current trends continue.

The Oakies Corner could accommodate 50 vendors if a pavilion were built to eliminate all the expense of tents and porta potties; and the existing site would be the parking lot versus having to pay to park on the old South Shore Beer Garden lot. The City would get approx. \$100,000/year with this proposal. (Capital costs would be roughly \$150,000)

The TDRA Grant work on Clear Lake Road and Aspen will disrupt traffic for some time and will impact our ability to maintain the market in either the current location or the Oakies location.

Tom Hord is looking at the possibility of building a large pavilion across FM 2094 from the current location; and it would accommodate 75 vendors with plenty of parking. Tom will need a non-compete clause from both the City and the current Farmers Market Committee. This would take it from being a City sponsored project to a privately funded project; and significantly less revenue for the City.

There is discussion of changing market hours from 4 hours on Saturday to 8 hours Sat and Sun; for some of the vendors if the market moves to either of the proposed sites. There are no plans to change the hours at the current location.

Some questions arise regarding the above issues:

Currently the City (thru Plaza Ten) budgets the Farmers Market and all revenue and expenses go thru the City Secretary for deposit and payment.

What role does the City want to play going forward?

What impact will the road improvement have on the Market and the entrance to CLS?

What impact will the change in hours from half day Saturday to two full days Sat and Sun?

What is the right mix of income to the city, convenience to citizens and disruption to the entrance traffic?

R. Sowrey/P Carrothers 5/26/2010"

Tami Perkins

Farmer's Market discussion items

Are we going to burn out the volunteers in the long term?

Can we get to the point where the FM is provided some staffing and management?

Would the FM function better across 2094 on private property?

Discussion of vendor residency makeup – 54 vendors currently, 48 from outside CLS, 6 from within CLS

Discussion of parking problems and the impact of keeping commercial lots empty for parking in lieu of having business there, particularly South Shore Beer Garden and Oakies lots. Could parking be relocated across 2094 for outside shoppers?



# City of Clear Lake Shores

1006 South Shore Drive Clear Lake Shores, Texas 77565

Phone: 281-334-2799 Fax: 281-334-2866

[www.clearlakeshores-tx.gov](http://www.clearlakeshores-tx.gov)

June 15, 2010

## **City Administrator Report:**

### **Administrative:**

- Building Inspection / Waterfronts
- Building Inspection / Code Enforcement
- TDRA Grants
- Road Drainage Workshop
- Staff Meeting / Budget

### **Public Works:**

- Cutting down Trees in Right-Of-Ways
- Pool Maintenance
- General Maintenance around Island

### **Police Department:**

- Firearms Qualification
- Applicant Testing
- Traffic Enforcement

Paul L. Shelley  
City Administrator



## City of Clear Lake Shores

6/11/2010 12:07 PM

Register: 1002 · Checking - Wells Fargo

From 05/26/2010 through 06/10/2010

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
05/26/2010			-split-	Deposit Payee:...		X	172.00	220,221.29
05/26/2010			-split-	Deposit Payee:...		X	1,430.00	221,651.29
05/26/2010			-split-	Deposit Payee:...		X	122.50	221,773.79
05/26/2010	Transfer	CLS Economic Deve...	3302 · EDC Tax	March recvd in...	19,285.14	X		202,488.65
05/26/2010	Transfer	CLS Roads & Draina...	3303 · Road Tax	March recvd in...	19,285.14	X		183,203.51
05/26/2010	Transfer	CLS TexPool - Sales ...	3304 · Property Tax Re...	March recvd in...	38,570.29	X		144,633.22
05/26/2010	Transfer	Rainy Day Fund	3304 · Property Tax Re...	FEMA Reimbu...	76,273.83	X		68,359.39
05/26/2010	5542	Akin, Charles R.	-split-		183.25			68,176.14
05/26/2010	5548	Janssen, Denise	-split-		1,028.42	X		67,147.72
05/26/2010	5554	Skains, James D	-split-		1,047.46	X		66,100.26
05/26/2010	5561	Yolanda Garduno	4230 · Janitorial Contract	May Monthly ...	460.00	X		65,640.26
05/26/2010	5543	Cranston, Kenneth G.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5544	Eliason, Ross	-split-	Direct Deposit		X		65,640.26
05/26/2010	5545	Galvan, Angie L	-split-	Direct Deposit		X		65,640.26
05/26/2010	5546	Garduno, Jorge	-split-	Direct Deposit		X		65,640.26
05/26/2010	5547	Human, Joshua J	-split-	Direct Deposit		X		65,640.26
05/26/2010	5549	Mericle, Karen M.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5550	Milliken, Billy	-split-	Direct Deposit		X		65,640.26
05/26/2010	5551	Rightmire, Glenn L.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5552	Shelley, Paul L.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5553	Shelley, Tina M.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5555	Stroup, Christy	-split-	Direct Deposit		X		65,640.26
05/26/2010	5556	Valencia, Juan D	-split-	Direct Deposit		X		65,640.26
05/26/2010	5557	Williams, Leslie A.	-split-	Direct Deposit		X		65,640.26
05/26/2010	5558	Wilson, Tiffany A	-split-	Direct Deposit		X		65,640.26
05/27/2010			-split-	April 2010 Cou...		X	8,746.55	74,386.81
05/28/2010	5562	Janssen, Denise	5600 · Warrant Process...	Nancy Haynes	80.00			74,306.81
05/31/2010			3911 · Interest	Interest		X	35.85	74,342.66
06/01/2010			-split-	Deposit Payee:...		M	989.00	75,331.66
06/01/2010			3411 · New Building P...	Deposit Payee:...		M	1,320.00	76,651.66
06/01/2010			-split-	Deposit Payee:...		M	1,000.00	77,651.66
06/01/2010			3103 · Electric			M	10,103.46	87,755.12
06/01/2010	5563	Embroid-Me	4264 · Uniforms	Uniforms	316.30	M		87,438.82
06/02/2010			-split-	Deposit Payee:...		M	2,926.06	90,364.88
06/02/2010	5564	Paul Shelley	4030 · CITY ADMIN /...	Salary Advance	600.00	M		89,764.88
06/02/2010	5565	Clear Lake Emergen...	7010 · Ambulance Serv...	09/10 Payment ...	4,467.86			85,297.02
06/02/2010	5566	Verizon	4512 · Telephone	Acct #: 10 544...	71.99			85,225.03
06/02/2010	5567	Target Credit Card	-split-	9-555-046-419	223.64			85,001.39
06/02/2010	5568	Aflac After-Tax	2400b · Aflac (taxable)	HL278	361.34			84,640.05
06/02/2010	5569	Aflac Pre-Tax	2400a · Aflac (pre-tax)	HL278	332.36			84,307.69

City of Clear Lake Shores

6/11/2010 12:07 PM

Register: 1002 · Checking - Wells Fargo

From 05/26/2010 through 06/10/2010

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
06/02/2010	5570	Olson & Olson, L.L.P.	-split-	Invoice #: 23239	3,312.00			80,995.69
06/02/2010	5571	WCID #12	-split-		222.27			80,773.42
06/02/2010	5572	Prudential Financial	2400g · Life Insurance ...	34153	67.79			80,705.63
06/02/2010	5573	Econo Signs, LLC.	8319 · Parks Maintena...	Invoice #: 10-8...	97.60			80,608.03
06/02/2010	5574	Comcast	4515 · Cable Internet	8777 70 108 00...	99.95			80,508.08
06/02/2010	5575	Brinkley Entertainment	9252 · Concert Series		1,000.00			79,508.08
06/02/2010	5576	TMCCP	4290 · Election Expenses	9th Edition Ha...	94.50			79,413.58
06/02/2010	5577	Fryday Consulting S...	8040 · Code Enforcem...	INV 117 Hour...	1,120.00			78,293.58
06/02/2010	5578	Econo Signs, LLC.	8319 · Parks Maintena...	Invoice #: 8901...	97.36			78,196.22
06/02/2010	5579	Rocky Martino	8042 · Contract Plumbi...	Invoice #R5 Pl...	250.00			77,946.22
06/02/2010	5580	United Health	2400f · Health Insuranc...	405159	1,931.99			76,014.23
06/02/2010	5581	United Health	-split-	405159	7,723.64			68,290.59
06/02/2010	5582	PC & Cable	4310 · Computers	Invoice 122037	179.00			68,111.59
06/02/2010	5583	Kemah Hardware	-split-	Account ID #070	221.23			67,890.36
06/02/2010	5584	Kemah Hardware	-split-	Account ID #070	342.61			67,547.75
06/04/2010	5585	Janssen, Denise	5600 · Warrant Process...	Villnave	120.00	M		67,427.75
06/07/2010		Void	4000 · GENERAL & A...	VOID:				67,427.75
06/07/2010	EFTPS	IRS	-split-	74-1464215	3,021.50			64,406.25
06/07/2010	5603	Texas Attorney Gene...	2400c · Child Support -...	06-E-0479-D	125.94			64,280.31
06/07/2010	5604	Void	4000 · GENERAL & A...	VOID:				64,280.31
06/07/2010	5606	Void	4000 · GENERAL & A...	VOID:				64,280.31
06/08/2010		QuickBooks Payroll ...	-split-	Created by Pay...	16,616.51			47,663.80
06/09/2010	5586	Akin, Charles R.	-split-		133.29			47,530.51
06/09/2010	5592	Janssen, Denise	-split-		1,141.60			46,388.91
06/09/2010	5598	Skains, James D	-split-		1,201.31			45,187.60
06/09/2010	5587	Cranston, Kenneth G.	-split-	Direct Deposit				45,187.60
06/09/2010	5588	Eliason, Ross	-split-	Direct Deposit				45,187.60
06/09/2010	5589	Galvan, Angie L	-split-	Direct Deposit				45,187.60
06/09/2010	5590	Garduno, Jorge	-split-	Direct Deposit				45,187.60
06/09/2010	5591	Human, Joshua J	-split-	Direct Deposit				45,187.60
06/09/2010	5593	Mericle, Karen M.	-split-	Direct Deposit				45,187.60
06/09/2010	5594	Milliken, Billy	-split-	Direct Deposit				45,187.60
06/09/2010	5595	Rightmire, Glenn L.	-split-	Direct Deposit				45,187.60
06/09/2010	5596	Shelley, Paul L.	-split-	Direct Deposit				45,187.60
06/09/2010	5597	Shelley, Tina M.	-split-	Direct Deposit				45,187.60
06/09/2010	5599	Stroup, Christy	-split-	Direct Deposit				45,187.60
06/09/2010	5600	Valencia, Juan D	-split-	Direct Deposit				45,187.60
06/09/2010	5601	Williams, Leslie A.	-split-	Direct Deposit				45,187.60
06/09/2010	5602	Wilson, Tiffany A	-split-	Direct Deposit				45,187.60

City of Clear Lake Shores  
Cash Position

**CASH POSITION AS OF June 10, 2010**

		<u>Wells Fargo</u>	<u>TexPool</u>	<u>Total</u>	<u>Due (To) From</u>	<u>Available Cash</u>	
<b><u>Unrestricted Cash</u></b>							
	General Fund	45,188	364,485	409,672	-	409,672	
<b><u>Restricted Cash</u></b>							
	Roads & Drainage	17,353	228,431	245,784	-	245,784	
	Vehicle Acquisition	500	54,400	54,900	-	54,900	
	Rainy Day	0	482,585	482,585	-	482,585	
	Sales Tax in Lieu of Prop. Tax	0	577,680	577,680	-	577,680	
<b><u>Total Cash</u></b>		<b>63,040</b>	<b>1,707,580</b>	<b>1,770,621</b>	<b>0</b>	<b>1,770,621</b>	

**CASH POSITION AS OF May 10, 2010**

		<u>Wells Fargo</u>	<u>TexPool</u>	<u>Total</u>	<u>Due (To) From</u>	<u>Available Cash</u>	
<b><u>Unrestricted Cash</u></b>							
	General Fund	334,559	364,425	698,984	-	698,984	
<b><u>Restricted Cash</u></b>					-		
	Roads & Drainage	150	228,394	228,544	-	228,544	
	Vehicle Acquisition	500	54,391	54,891	-	54,891	
	Rainy Day	0	406,243	406,243	-	406,243	
	Sales Tax in Lieu of Prop. Tax	0	539,020	539,020	-	539,020	
<b><u>Total Cash</u></b>		<b>335,209</b>	<b>1,592,471</b>	<b>1,927,680</b>	<b>0</b>	<b>1,927,680</b>	

Vern Johnson, Mayor  
Bryan Hoerner  
Charles Scoville

**MINUTES**  
**CITY OF CLEAR LAKE SHORES**  
**CITY COUNCIL REGULAR MEETING**  
**April 20, 2010, 7:00 PM**

Al Burns  
Susan Landwer  
O.B. Thomas

A regular meeting of the City Council for the City of Clear Lake Shores, County of Galveston, State of Texas, was held on the above date and time at City Hall, 931 Cedar Road, Clear Lake Shores, Texas for the purpose of considering the following numbered items.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**—Mayor Johnson called the meeting to order at 7:00 p.m. All council members were present with the exception of Councilman Hoerner.
2. **PROCLAMATION: National Crime Victim's Week, April 18-24, 2010**
3. **CITY ADMINISTRATOR REPORT & CORRESPONDENCE**
4. **COMMITTEE REPORTS: Economic Development Corporation, Economic Development Advisory Committee, Waterfront Compliance Committee, Planning and Zoning Committee, Road and Drainage Committee, Park Committee, Pool Committee, Council**
5. **SCHEDULED & UNSCHEDULED VISITORS**
  - a. **Lynda Michaelski – contained gardens on waterfront property**

Mrs. Michaelski asked Council for permission to build a raised garden edged with boards on her waterfront lease.

- b. **Harriet Lukee, Bay Area Houston Economic Partnership**, appeared to ask the Mayor and Council to sign letters in support of NASA's human spaceflight program.
    - c. **Juanita Flurry** – a statement was read on Mrs. Flurry's behalf supporting the Michaelski's garden
    - d. **Kathy McIntyre** – stated she opposed the Michaelski's garden
    - e. **Dave Walker** -- supporting the Michaelski's garden
    - f. **Adelia Oakes** -- supporting the Michaelski's garden
    - g. **Rick Burchfield** -- supporting the Michaelski's garden
    - h. **Charles Shiver** -- supporting the Michaelski's garden
    - i. **Sanford Manning** -- supporting the Michaelski's garden
    - j. **Rob Pettitt** -- supporting the Michaelski's garden
6. **CONSENT AGENDA:**
  - a. **Check Register from March 11, 2010 to March 31, 2010**
  - b. **Cash Balance Summary as of March 31, 2010**
  - e. **Resolution 2010-06:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, AUTHORIZING THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT AERIAL SPRAYING FOR THE ABATEMENT OF MOSQUITOES.

Councilwoman Landwer moved to approve items a, b, and e and to pull items c and d from the Consent Agenda.

Councilman Burns seconded the motion.

MOTION PASSED UNANIMOUSLY

**c. Nomination of Michael Bonas to the Waterfront Compliance Committee**

Councilwoman Landwer moved to approve Michael Bonas to the Waterfront Compliance Committee.

Councilman Burns seconded the motion.

MOTION PASSED UNANIMOUSLY

**d. Resolution 2010-05:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, ESTABLISHING THE CITY'S SCHEDULE OF GENERAL MINIMUM PREVAILING WAGE RATES FOR SPECIFIED CRAFTS, TRADES AND MECHANICS FOR ROAD AND HIGHWAY RELATED CONSTRUCTION PROJECTS PERFORMED UNDER CONTRACT WITH THE CITY.

Councilman Burns moved to approve Resolution 2010-05.

Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**7. EXECUTIVE SESSION, as authorized by the Texas Open Meetings Act, Section 550.071 of the Texas Government Code to consult with the City Attorney regarding a pending or contemplated litigation, to wit: wrongful termination claim by Bill Young.**

Council adjourned into Executive Session at 7:50, which lasted from 7:55 to 8:10. Council adjourned back into Regular Session at 8:10 p.m.

**8. OLD BUSINESS - Discussion and possible action may be taken on the following items:**

**a. Action Item List** (City Administrator Shelley)

Council reviewed and discussed the Action Item List.

NO ACTION TAKEN

**b. Resolution 2010-03:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS ADOPTING RULES OF PROCEDURE FOR THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF CLEAR LAKE SHORES, TEXAS AND OTHER MATTERS RELATING THERETO. (Councilwoman Landwer)

Councilwoman Lander moved to approve Resolution 2010-03. Councilman Burns seconded the motion.

City Attorney Loren Smith informed Council that the term limit section was included in the resolution, it would have to be rewritten as an ordinance to be enforceable.

Brief discussion was held.

Councilwoman Landwer amended her motion to approve Resolution 2010-03, to remove the term limits, and reestablish staggered terms for members.

Councilman Scoville seconded the motion.

MOTION PASSED UNANIMOUSLY

**9. NEW BUSINESS - Discussion and possible action may be taken on the following items:**  
**a. Contained gardens on waterfront property** (City Administrator Shelley)

Councilman Burns moved to approved the contained garden on the waterfront as requested by the Michaelskis. Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**b. Mayor and Council Salaries** (Mayor Johnson)

Mayor Johnson stated he wanted to begin the discussion of the possibility of Mayor and Council salaries in the future.

NO ACTION TAKEN

**c. Ordinance 2010-04:** AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS AMENDING ORDINANCE NO. 2010-02 PASSED, APPROVED, AND ORDAINED ON OR ABOUT THE 2<sup>ND</sup> DAY OF MARCH 2010, THE SAME BEING THE ORDINANCE CALLING A GENERAL AND A SPECIAL ELECTION FOR THE SECOND SATURDAY IN MAY 2010 TO APPOINT SUSAN BRAGG AS AN ELECTION JUDGE IN THE PLACE OF CRYSTAL BURNEY AND CHARLES SHIVER AS AN ALTERNATE ELECTION JUDGE IN PLACE OF SUSAN BRAGG.

Councilman Thomas moved to approve Ordinance 2010-04. Councilman Burns seconded the motion.

MOTION PASSED UNANIMOUSLY

**d. Ordinance 2010-05:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY ADOPTING THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, 2006 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID *INTERNATIONAL PROPERTY MAINTENANCE CODE*; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Councilman Burns moved to table Ordinance 2010-05. Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**e. Ordinance 2010-06:** AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS, ADOPTING AMENDMENT NO. II, TO THE ORIGINAL BUDGET OF THE CITY OF CLEAR LAKE SHORES, TEXAS, FOR THE FISCAL YEAR 2009-2010, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS RELATING TO THE SUBJECT

Councilwoman Landwer moved to approve Ordinance 2010-06 and Budget Amendment II.  
Councilman Burns seconded the motion.

MOTION PASSED UNANIMOUSLY

**9. ADJOURNMENT**—Mayor Johnson adjourned the meeting at 9:45 pm.

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**Karen Mericle**  
**City Secretary**

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**Vern Johnson**  
**Mayor**

**Date Approved:**

### **Zoning Board of Adjustments Members 2010**

<b>Position</b>	<b>Member</b>	<b>Staggered Term (Even/ Odd)</b>	<b>Term Ends</b>
<b>1.</b>	Lowell Brown 923 Ivy Cell 281-334-5104	Even	April 2012
<b>2.</b>	Carmel Bevan 705 West Shore Dr. Cell 281-222-3760	Odd	April 2011
<b>3.</b>	Paolo Sheaffer 210 East Shore Cell 281-728-8167	Odd	April 2011
<b>4.</b>	Ron Wicker 324 Blue Point Home 281-538-8888 <a href="mailto:rwicker1@verizon.net">rwicker1@verizon.net</a>	Odd	April 2011
<b>5.</b>	Ashely Miller 211 Oak Cell 832-221-9427	Even	April 2012
<b>6.</b>	R.S. (Buzz) Larrabee 319 East Shore Home 281-538-2423 <b>ALT.</b>	Even	April 2012
<b>7.</b>	Jim Mago 402 Oak Cell 281-480-3877 <a href="mailto:jim.mago@falconjet.com">jim.mago@falconjet.com</a> <b>ALT.</b>	Even	April 2012
<b>8.</b>	Allen Batchelor 1024 Forest 281-538-8180 <b>ALT.</b>	Odd	April 2011
<b>9.</b>	Craig Taylor 1203 North Shore Home 281-334-3135 <b>ALT.</b>	Odd	April 2011



## ORDINANCE NO. 2010-07

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY AMENDING SECTION 66-140(b)(2)(i) OF ARTICLE V, CITY PARKS, OF CHAPTER 66, STREETS, SIDEWALKS, AND PUBLIC PLACES, BY RAISING THE AGE OF UNSUPERVISED SWIMMERS AT PUBLIC POOLS FROM TEN TO TWELVE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Clear Lake Shores believes it is in the best interest of the health, safety and welfare of its Citizens to raise the age of unsupervised swimmers at public pools from ten (10) years of age to twelve (12); now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS:**

**Section 1.** The facts and matters contained in the foregoing preamble are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Clear Lake Shores is hereby amended by amending the language in Section 66(b)(2)(i) of Article V, City Parks of Chapter 66, Streets, Sidewalks, and Public Places, by deleting the language which is struck-through and adding the language which is underscored to read as follows:

**“Sec. 66-140. Shell Bottom Park, Jarboe Bayou Park; additional regulations.**

(b) Jarboe Bayou Park.

(2) Rules and regulations for Clear Lake Shores Community Pool.

- i. Children ~~ten~~ twelve years old or younger must be supervised by a competent person of at least 21 years of age, even when lifeguards are on duty.”

**Section 3.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not to exceed two-thousand dollars (\$2,000.00). Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 4.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 5.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of June, 2010.

---

Vern Johnson, Mayor

ATTEST:

---

Karen Mericle, City Secretary

Karen,

I would like to place an item on the agenda for the upcoming Council meeting- June 15<sup>th</sup>.

Discussion and possible action on Ordinance 82-425 “Granting of Special Exceptions for board of adjustment” to request that Planning and Zoning review the ordinance for modification or elimination at their July 12 meeting and report back to City Council with recommendations within 30 days thereafter.

Agenda Packet,

The Ordinance 82-425 was highlighted in a training session before the Zoning Board of Adjustments (ZBOA) on May 31.

Loren Smith indicated that this ordinance should be reviewed because it may not apply in addition to the normal powers given to the ZBOA in Ordinance 82-388. His advice was to allow the P&Z to review this ordinance with an eye toward modifying or eliminating it. According to Mr. Smith this ordinance may have been included at an earlier time while many of the city’s ordinances were being adopted and was not removed.

The ordinance is given below:

Sec. 82-425. Granting of special exceptions under the board of adjustment.

The board of adjustment is empowered to permit the following exceptions, provided its action is in harmony with the general purpose and intent of this chapter and does not injure the health, safety, morals, or the general welfare of the occupants of nearby properties:

- (1) Permit such modifications of the height, yard area, spacing and parking regulations as may be necessary to secure appropriate development of a parcel of land of such unusual topography or restricted area and shape that it cannot be appropriately developed without such modification;
- (2) Permit the use of a lot or lots in a residential district, which lot (or lots) is adjacent to a commercial or industrial district, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions as may be desirable to protect the more restricted adjacent and nearby properties, provided no other business use is made of the lot;
- (3) Grant a permit for the extension of a use into an adjoining district, where such extension would constitute a nonconforming use and where the lot upon which the existing use is situated extended into the adjoining district and is in single ownership at the time the ordinance from which this section is derived is adopted;
- (4) Permit the reconstruction of a building occupied by a nonconforming use, provided such reconstruction does not prevent the return of such property to a conforming use;
- (5) Determine in cases of uncertainty the classification as to district of a use not specifically named in this chapter; provided, however, that such use shall be in keeping with uses specifically named in the district regulations.

(Code 1999, § 17.44.060)



# City of Clear Lake Shores

1006 South Shore Drive Clear Lake Shores, Texas 77565

Phone: 281-334-2799 Fax: 281-334-2866

[www.clearlakeshores-tx.gov](http://www.clearlakeshores-tx.gov)

October 5, 2009

Robert Roach  
225 Narcissus  
Clear Lake Shores, TX 77565

Re: Easement # A-006B & C-074A2, Cert. #7007 3020 0002 0808 3307

Dear Mr. Roach:

You have been previously notified and invoiced for your waterfront easement yearly lease fee.

Please accept this letter as your notice of Public Hearing, October 20, 2009 at 7:00 p.m. to receive evidence and public comment regarding the default of your lease. Per your lease agreement, this public hearing could possibly result in the termination of your lease.

Sincerely,

Karen Mericle  
City Secretary

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## Track & Confirm

### Search Results

Label/Receipt Number: **7007 3020 0002 0808 3307**Service(s): **Certified Mail™**Status: **Notice Left**

We attempted to deliver your item at 1:56 PM on October 6, 2009 in KEMAH, TX 77565 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to [www.usps.com/redelivery](http://www.usps.com/redelivery), or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 30 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

#### Detailed Results:

- **Notice Left, October 06, 2009, 1:56 pm, KEMAH, TX 77565**
- **Arrival at Unit, October 06, 2009, 8:45 am, KEMAH, TX 77565**

#### Notification Options

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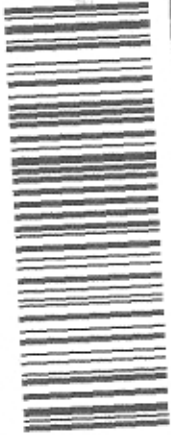
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The All Information  
Management SystemPostage and Fees  
Information System

City of Clear Lake Shores  
1006 South Shore Drive  
Clear Lake Shores, Texas 77565

CERTIFIED MAIL™



7007 3020 0002 0808 3307

RECEIVED

OCT 29 2009

Robert Roach  
225 Narcissus  
Clear Lake Shores TX 77565

MAILED

113 PM

NO ANSWER

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

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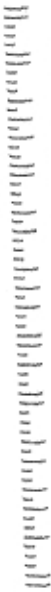
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# City of Clear Lake Shores

1006 South Shore Drive Clear Lake Shores, Texas 77565

Phone: 281-334-2799 Fax: 281-334-2866

[www.clearlakeshores-tx.gov](http://www.clearlakeshores-tx.gov)

October 21, 2009

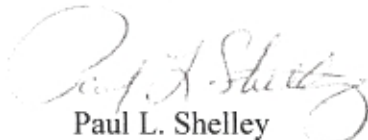
Robert & Will Roach  
225 Narcissus  
Clear Lake Shores, TX 77565

Re: Waterfront Easements A-006B & C-074A2, Cert. # 7007 3020 0002 0808 3338

Dear Mr. Roach:

You have been previously notified that a public hearing was to be held regarding the default of the above referenced waterfront easement on October 20, 2009. At that meeting, Council voted to terminate your lease effectively immediately.

Sincerely,

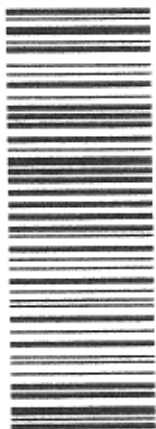


Paul L. Shelley  
City Administrator

cc: file

City of Clear Lake Shores  
1006 South Shore Drive  
Clear Lake Shores, Texas 77565

**CERTIFIED MAIL™**



7007 3020 0002 0A08 3338

Robert & Will Roach  
225 Narcissus  
Clear Lake Shores, TX 77565



UNITED STATES POSTAGE  
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Equal Housing Opportunity  
LenderEqual Housing Opportunity  
Lender

1. Documents Constituting Lease

This lease consists of this FIRST AMENDED WATERFRONT LEASE form and the following exhibits that are attached hereto and incorporated herein by reference:

- (a) Exhibit A – Premises Legal Description
- (b) Exhibit B – Additional Terms and Conditions
- (c) Exhibit C – Bulkheading and Improvement Specifications
- (d) Exhibit D – Definitions

Cumulatively referred to hereinafter as “the Lease”.

2. Leasing Clause

LESSOR hereby leases unto LESSEE the premises described in Exhibit A (“the PREMISES”). LESSEE is hereby granted the exclusive right to use, enjoy, and occupy the PREMISES, except that the PREMISES shall never be used for purposes of commerce, business, or residence (including any overnight lodging), or as living quarters of any kind. LESSEE acknowledges that it is a condition of this Lease that LESSEE will not use, or suffer the use, of the PREMISES for said purposes.

3. Consideration

LESSEE agrees to pay to LESSOR annual payments of XXXXXXX. This annual payment will be fixed for the first two years, through July 31, 2005. LESSEE agrees that the annual payment for the period from August 1, 2005 through July 31, 2006 may be changed to reflect the then current fair market value of the Lease, as determined by LESSOR no later than May 31, 2005. Upon notification of an increase, LESSEE may elect not to accept the new fair market value as determined by LESSOR. Such election by LESSEE must be made in writing, and received by LESSOR no later than June 30, 2005. If LESSEE so elects not to accept the new rate, this Lease will terminate on July 31, 2005, and if LESSEE is not otherwise in default, LESSEE’s obligations under this Lease shall end on July 31, 2005. The parties further agree that, beginning August 1, 2006 the annual payments shall be adjusted upward to reflect the increase, if any, in the preceding twelve months Consumer Price Index.

4. Term

Subject to LESSOR’s receipt of this Lease, signed by LESSEE, and approved by the City Council, the primary term of this lease shall commence on the date hereof and end on July 31, 2013.

7. Lien Created

LESSEE specifically grants to LESSOR a first and superior lien (subordinate only to the purchase price therefore) on all other personalty, except boats and vessels, placed on the PREMISES or improvements thereto, to secure the payment of any rentals due and any and all unpaid assessments, charges, fees, interest, repairs, and maintenance.

8. Limitation on Assignment or Sublease

LESSEE covenants with LESSOR, its successors, or assigns, this Lease is personal to the former, his personal representatives, guardians, and trustees.

LESSEE may assign or otherwise transfer LESSEE's interest in this Lease provided LESSEE first applies for and obtains LESSOR's express written consent. Such consent not to be unreasonably withheld so long as, at the time of the requested assignment or transfer, the PREMISES are in good condition (including bulkheads, utilities, and grounds), all Non-Conforming Structures (as defined in Exhibit "D") have been removed, and LESSEE is not otherwise then in default of the terms of this Lease. LESSEE shall be liable to LESSOR for the reasonable costs incurred by LESSOR in reviewing and effectuating LESSEE's requested assignment or transfer.

LESSEE shall not sublet the PREMISES, or any portion thereof. Any attempted sublease of this Lease or any portion thereof, shall result in the immediate termination of this Lease.

9. Events of Default and Termination

The occurrence of any of the following shall constitute an event of default (herein "Event of Default") under this Lease:

LESSEE fails to pay in full the annual lease payment by September 1 of the year when due, or any other amounts due under this Lease, time being of the essence.

Said Lease shall automatically terminate at such time as LESSEE is no longer the record owner (or beneficial owner resulting from a trust or estate) of at least a one-half (1/2) interest in any **building lot** within the subdivision of Clear Lake Shores. LESSEE acknowledges that maintenance of an ownership interest in a **building lot** as described above is a condition of this Lease.

LESSEE fails to satisfy and/or perform any of the obligations, responsibilities, or conditions imposed on LESSEE by the terms, conditions, covenants, or promises of this Lease. The City Council to be sole judge of the adequacy of LESSEE's satisfaction and performance of said obligations, responsibilities, or conditions.

Vern Johnson, Mayor  
Bryan Hoerner  
Charles Scoville

**MINUTES**  
**CITY OF CLEAR LAKE SHORES**  
**CITY COUNCIL SPECIAL MEETING**  
**October 20, 2009, 7:00 PM**

Al Burns  
Susan Landwer  
O.B. Thomas

A special meeting of the City Council for the City of Clear Lake Shores, County of Galveston, State of Texas, was held on the above date and time at City Hall, 931 Cedar Road, Clear Lake Shores, Texas for the purpose of considering the following numbered items.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**—Mayor Johnson called the meeting to order at 7:00. All council members were present with the exception of Councilman Burns.

**2. PUBLIC HEARING: TO HEAR AND RECEIVE COMMENT REGARDING DEFAULTED WATERFRONT LEASES (Failure to pay yearly lease fee): A-006B, C-074A2, & C-066B**

Mayor Johnson opened the Public Hearing at 7:01 p.m.

No comments were made.

Mayor Johnson closed the Public Hearing at 7:01 p.m.

3. **CITY ADMINISTRATOR REPORT & CORRESPONDENCE**
4. **STAFF/COUNCIL REPORTS: Fire Department, Emergency Services Board, Building Inspector, City Council**
5. **UNSCHEDULED VISITORS<sup>§</sup>**
  - a. **Anne Holmgreen**e updated Council that there was no progress on the Community Garden at this time.
  - b. **Kathy McIntyre** stated she felt that the architects' drawings on the City website are not accurate and requested an overlay of sidewalks.
  - c. **Mr. Burroughs** stated he would like to keep his waterfront lease that is on the agenda to be revoked.
6. **CONSENT AGENDA:**
  - a. **Check Register from October 1, 2009 to October 14, 2009**
  - b. **Cash Balance Summary as of October 14, 2009**
  - c. **Resolution 2009-06: Annual Approval of the City Investment Policy**

Councilman Hoerner moved to pull items d and e from the Consent Agenda.

Councilman Hoerner moved to approve items a, b, and c from the Consent Agenda.  
Councilman Thomas seconded the motion.

MOTION PASSED UNANIMOUSLY

**d. Renewal of EDC memberships**

Councilman Hoerner moved to approve the renewal of EDC memberships as presented. Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**e. Renewal of Planning/Zoning Memberships**

Councilman Hoerner moved to approve the renewal of Planning/Zoning Memberships as presented. Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**7. NEW BUSINESS - Discussion and possible action may be taken on the following items:**

**a. Defaulted Waterfront Leases (Failure to pay yearly lease fee): A-006B, C-074A2 & C-066B**

Councilman Hoerner moved to revoke defaulted waterfront leases: A-006B, C-074A2 & C-066B. Councilwoman Landwer seconded the motion.

Councilman Hoerner amended his motion to revoke defaulted waterfront leases A-006B and C-074A2. Councilwoman Landwer seconded the motion.

MOTION PASSED UNANIMOUSLY

**b. EDC Project Request Form regarding Town Center Zoning District Infrastructure Improvements (Councilwoman Landwer)**

EDC Director Ronnie Richards gave a brief background.

Councilwoman Landwer moved to approve the Project Request Form. Councilman Hoerner seconded the motion.

MOTION PASSED UNANIMOUSLY

**c. Appoint Allen Cruthirds as a member of the EDAC representing the EDC (Councilman Hoerner)**

Councilman Hoerner moved to appoint Allen Cruthirds as a member of the EDAC representing the EDC, replacing Ian Miller. Councilman Scoville seconded the motion.

MOTION PASSED UNANIMOUSLY

**d. ZBOA member training (Councilwoman Landwer)**

Councilwoman Landwer moved to establish a CLS policy requiring all new ZBOA members to receive mandatory training from the City Attorney. Councilman Thomas seconded the motion.

MOTION PASSED UNANIMOUSLY

**9. ADJOURNMENT**—Mayor Johnson adjourned the meeting at 7:36 p.m.

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**Karen Mericle**  
**City Secretary**

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**Vern Johnson**  
**Mayor**

**Date Approved:**

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§ City Council encourages positive public comment and discussion during its meetings and reserves time during most Council meetings to hear such comments either from Scheduled or Unscheduled Visitors. However, the Texas Open Meetings Act places certain constraints on topics raised by such visitors where such discussions are not related to an item that has been placed on the Council's posted Agenda. The most effective way for an individual to have their voice heard and to receive feedback at a City Council meeting is to contact the City Secretary no later than the Wednesday Noon prior to an upcoming Council meeting and request that their name be placed on a future Agenda as a Scheduled Visitor. When you make this request, please state specifically the subject you wish to discuss. The City Secretary will place your name on the Agenda along with a specific description of the subject to be discussed. If you fail to provide a specific description of the subject of your requested discussion, then Council will have no choice but to refer the matter to City staff for response or defer any feedback or discussion on the matter until a future Council meeting when the subject can be placed on the Agenda. Comments should be limited to five (5) minutes and directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers.

# **Clear Lake Shores Community Pool**

## **Fees, Rules and Regulations**

### **DEFINITION OF MEMBERS AND POOL USAGE FEES**

The Jarboe Bayou Pool is a “neighborhood” pool and is not available for use by the general public. Its membership is restricted to the following classes of members:

**Resident** - any person who resides in or owns (or has a beneficial interest of at least 50%) in residential property within the R-1 Residential District of the City of Clear Lake Shores.

*Exception: Employees of the City are eligible to be Resident Members.*

**Nonresident** - any person who resides in or owns (or has a beneficial interest of at least 50%) in residential property within the Lazy Bend subdivision (part of the Extra Territorial Jurisdiction of the City of Clear Lake Shores). Such persons must have been a permanent resident for at least 12 months.

For purposes of the descriptions above, the term “residential property” shall be limited to detached single-family residential homes or multi-family properties with four (4) or less separate living units. Any person residing in apartments, condominiums, attached townhouses, boats, mobile homes or Recreational Vehicles are not eligible to become members of the Pool under either of the above classes. (Moon Caye owners are accepted per Council action.)

Pool Memberships are valid from May 1 through April 30 and must be renewed each year.

The Membership Fee charged for use of the Pool for the full 12-month regular Pool Season **starting May 1, 2011** will be as follows:

<b>Type of Membership</b>	<b>Resident Fee</b>	<b>Nonresident Fee</b>
Adult only (one adult and significant other)	\$ 75.00	\$250.00
Family (includes parents and any minor children <u>living at home</u> )	\$ 125.00	\$300.00
Additional Non-Resident Guest Pass Books (One book of ten passes; each pass is good for one use of the Pool by one person)	\$15.00	\$25.00
Individual Non-Resident Guest Pass (Each pass is good for one use of the Pool by one person)	\$2.00	\$3.00
Replacement Pool Tags	\$10.00 each tag	

**NOTE:** For Family Memberships, only minor (under 18) children and stepchildren of the Primary Pool Member who still reside at the Primary Pool Member’s qualifying residence are eligible to be included or adult children temporarily away at college. Any person over the age of 21 will require a separate adult membership. Grandchildren, nieces, nephews, cousins, etc. are considered “guests” and Guest Passes must be used. In addition, both Resident and Nonresident Members must accompany their Guest(s) when using the Pool. Guest Passes must be surrendered to a lifeguard when using the Pool. Guest Passes do not expire as long the Member who purchased them has a current pool membership at the time of usage.



# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: A-006B

Lessee Name: City of CLS

### WATERFRONT COMPLIANCE INSPECTION

### COMMENTS

Easement Number on both sides of Lease	Pass	Fail	<u>IN CENTER</u>
Sheathing in good condition	Pass	Fail	
Height of Bulkhead is in compliance	Pass	Fail	
Tiebacks need repair or replaced	Pass	Fail	
Pilings need repair or replaced	Pass	Fail	
Pilings are at correct Height	Pass	Fail	
Fill needed behind the Bulkhead	Pass	Fail	
Do any Pilings need to removed from water?	Yes	No	
Does this Easement have a Pier?	Yes	No	<u>COMMON W 7A</u>
Does the Pier need repair?	Yes	No	
Does the Pier have a Boat Lift?	Yes	No	
Does the Pier have a Gate?	Yes	No	
Does this Easement have a structure?	Yes	No	
Are any Barricades on the Easement?	Yes	No	
Are any other repairs needed?	Yes	No	

### Additional Comments:

There IS A BOAT IN THE SLIP

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does Waterfront Easement need work?: Yes ☒ No

Is a Permit required for work?: Yes ☒ No

Ready for transfer?: ☒ Yes ☐ No

Building Inspector Signature JL Jydy

Date 6/3/10

TX 9165ZB

1981 Catalina 25'

Robert Roach

4919 Sycamore #A

Pasadena TX 77503

832-455-4372



# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: C-074A2 Lessee Name: City of CLS

### WATERFRONT COMPLIANCE INSPECTION

### COMMENTS

Easement Number on both sides of Lease	Pass	<u>Fail</u>	<u>NOT REPLEBLE</u>
Sheathing in good condition	Pass	Fail	
Height of Bulkhead is in compliance	Pass	Fail	
Tiebacks need repair or replaced	Pass	Fail	
Pilings need repair or replaced	Pass	Fail	<u>ONE PILING IS LEAVING</u>
Pilings are at correct Height	Pass	Fail	
Fill needed behind the Bulkhead	Pass	Fail	
Do any Pilings need to removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	<u>No</u>	
Does the Pier need repair?	<u>Yes</u>	<u>No</u>	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### Additional Comments:

THERE IS A FLOATING PLATFORM AND SAIL BOAT IN SLIP

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JL Fryday

Date 6/3/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: C-070 Lessee Name: City of CLS

### WATERFRONT COMPLIANCE INSPECTION

### COMMENTS

Easement Number on both sides of Lease	Pass	<u>Fail</u>	<u>ONLY ON North side</u>
Sheathing in good condition	Pass	Fail	
Height of Bulkhead is in compliance	Pass	Fail	
Tiebacks need repair or replaced	Pass	Fail	
Pilings need repair or replaced	Pass	Fail	
Pilings are at correct Height	Pass	Fail	
Fill needed behind the Bulkhead	Pass	Fail	
Do any Pilings need to be removed from water?	Yes	No	
Does this Easement have a Pier?	Yes	No	
Does the Pier need repair?	<u>Yes</u>	No	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### Additional Comments:

THERE APPEARS TO HAVE BEEN TWO PIERS. ONE IS ABOUT 40% DAMAGED AND THE OTHER IS 90% DAMAGED

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JC Fryday

Date 6/3/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/2/2010 Transfer: X Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: C-061B

Lessee Name: Pettitt to Bates

### **WATERFRONT COMPLIANCE INSPECTION**

### **COMMENTS**

Easement Number on both sides of Lease	Pass	<u>Fail</u>	<u>NO #1's</u>
Sheathing in good condition	<u>Pass</u>	Fail	
Height of Bulkhead is in compliance	<u>Pass</u>	Fail	
Tiebacks need repair or replaced	<u>Pass</u>	Fail	
Pilings need repair or replaced	<u>Pass</u>	Fail	
Pilings are at correct Height	<u>Pass</u>	Fail	
Fill needed behind the Bulkhead	Pass	<u>Fail</u>	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	<u>No</u>	
Does the Pier need repair?	Yes	<u>No</u>	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### **Additional Comments:**

SOME AREAS BEGINNING TO ERODE BEHIND BULKHEAD

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JL Jorgensen

Date 6/3/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: B-031

Lessee Name: City of CLS

### WATERFRONT COMPLIANCE INSPECTION

### COMMENTS

Easement Number on both sides of Lease	Pass	<u>Fail</u>	<u>NO H'S</u>
Sheathing in good condition	<u>Pass</u>	Fail	
Height of Bulkhead is in compliance	<u>Pass</u>	Fail	
Tiebacks need repair or replaced	<u>Pass</u>	Fail	
Pilings need repair or replaced	<u>Pass</u>	Fail	
Pilings are at correct Height	<u>Pass</u>	Fail	
Fill needed behind the Bulkhead	<u>Pass</u>	Fail	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	No	
Does the Pier need repair?	<u>Yes</u>	No	<u>PERMIT NEEDED</u>
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	No	

### Additional Comments:

PIER IS DESTROYED - NEEDS TO BE REMOVED + REPLACED  
THERE ARE NO H'S AT SIDES OF EASEMENT

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JC Fryday

Date 6/2/10



# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: B-022 Lessee Name: City of CLS

### **WATERFRONT COMPLIANCE INSPECTION**

### **COMMENTS**

Easement Number on both sides of Lease	<u>Pass</u>	Fail	
Sheathing in good condition	<u>Pass</u>	Fail	
Height of Bulkhead is in compliance	<u>Pass</u>	Fail	
Tiebacks need repair or replaced	<u>Pass</u>	Fail	
Pilings need repair or replaced	<u>Pass</u>	Fail	
Pilings are at correct Height	<u>Pass</u>	Fail	
Fill needed behind the Bulkhead	<u>Pass</u>	Fail	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	<u>No</u>	<u>2</u>
Does the Pier need repair?	Yes	<u>No</u>	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### **Additional Comments:**

NUMBERS ARE PRESENT BUT NOT IN GOOD REPAIR. THIS IS A  
SMALL SLIP PARALLEL TO LAND, I.E. AT AN ANGLE TO STREET

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JC Fryday

Date 6/2/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: B-023

Lessee Name: City of CLS

### **WATERFRONT COMPLIANCE INSPECTION**

### **COMMENTS**

Easement Number on both sides of Lease	Pass	<u>Fail</u>	
Sheathing in good condition	Pass	Fail	
Height of Bulkhead is in compliance	Pass	Fail	
Tiebacks need repair or replaced	Pass	Fail	
Pilings need repair or replaced	Pass	Fail	
Pilings are at correct Height	Pass	Fail	
Fill needed behind the Bulkhead	Pass	Fail	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	<u>No</u>	
Does the Pier need repair?	Yes	<u>No</u>	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### **Additional Comments:**

I don't understand this configuration. It looks like 22 & 23  
should only be one easement

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature

*JC Fryday*

Date 6/2/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: A-003A

Lessee Name: City of CLS

### **WATERFRONT COMPLIANCE INSPECTION**

### **COMMENTS**

Easement Number on both sides of Lease	Pass	<u>Fail</u>	<u>IN CENTER</u>
Sheathing in good condition	<u>Pass</u>	Fail	
Height of Bulkhead is in compliance	<u>Pass</u>	Fail	
Tiebacks need repair or replaced	<u>Pass</u>	Fail	
Pilings need repair or replaced	<u>Pass</u>	Fail	
Pilings are at correct Height	<u>Pass</u>	Fail	
Fill needed behind the Bulkhead	<u>Pass</u>	Fail	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	<u>No</u>	<u>COMMON W 002B</u>
Does the Pier need repair?	<u>Yes</u>	<u>No</u>	
Does the Pier have a Boat Lift?	Yes	<u>No</u>	
Does the Pier have a Gate?	Yes	<u>No</u>	
Does this Easement have a structure?	Yes	<u>No</u>	
Are any Barricades on the Easement?	Yes	<u>No</u>	
Are any other repairs needed?	Yes	<u>No</u>	

### **Additional Comments:**

PIER IS WEATHERED BUT SOUND, I.E. LOOKS BAD

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JC Fryday

Date 6/3/10

# City of Clear Lake Shores

## Request for Waterfront Inspection

Date: 3/29/2010 Transfer: \_\_\_\_\_ Complaint: \_\_\_\_\_ Annual: \_\_\_\_\_

Easement #: A-009 Lessee Name: City of CLS

### **WATERFRONT COMPLIANCE INSPECTION**

### **COMMENTS**

Easement Number on both sides of Lease	Pass	Fail	<u>IN CENTER</u>
Sheathing in good condition	Pass	Fail	
Height of Bulkhead is in compliance	Pass	Fail	
Tiebacks need repair or replaced	Pass	Fail	
Pilings need repair or replaced	Pass	Fail	
Pilings are at correct Height	Pass	Fail	
Fill needed behind the Bulkhead	Pass	Fail	
Do any Pilings need to be removed from water?	Yes	<u>No</u>	
Does this Easement have a Pier?	Yes	No	<u>CODEMAN W/ ID</u>
Does the Pier need repair?	Yes	No	
Does the Pier have a Boat Lift?	Yes	No	
Does the Pier have a Gate?	Yes	No	
Does this Easement have a structure?	Yes	No	
Are any Barricades on the Easement?	Yes	No	
Are any other repairs needed?	Yes	No	

### **Additional Comments:**

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Does Waterfront Easement need work?: Yes No

Is a Permit required for work?: Yes No

Ready for transfer?: Yes No

Building Inspector Signature JC Fyden

Date 6/4/10



## Karen Mericle, City Secretary

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**From:** Richard Sowrey [rsowrey@comcast.net]  
**Sent:** Wednesday, June 09, 2010 10:06 AM  
**To:** City Hall CLS  
**Cc:** Paul Shelley; vern johnson; rsowrey@comcast.net  
**Subject:** Agenda Item for June 15 Council Meeting  
**Attachments:** 100607 Ord 82-425 Aglenda Item.doc

Karen,

I would like to place an item on the agenda for the upcoming Council meeting- June 15th.

Discussion and possible action on Ordinance 82-425 "Granting of Special Exceptions for board of adjustment" to request that Planning and Zoning review the ordinance for modification or elimination at their July 12 meeting and report back to City Council with recommendations within 30 days thereafter.

The Agenda Packet is given below and attached to this note:

The Ordinance 82-425 was highlighted in a training session before the Zoning Board of Adjustments (ZBOA) on May 31.

Loren Smith indicated that this ordinance should be reviewed because it may not apply in addition to the normal powers given to the ZBOA in Ordinance 82-388. His advice was to allow the P&Z to review this ordinance with an eye toward modifying or eliminating it. According to Mr. Smith this ordinance may have been included at an earlier time while many of the city's ordinances were being adopted and was not removed.

The ordinance is given below:

Sec. 82-425. Granting of special exceptions under the board of adjustment.

The board of adjustment is empowered to permit the following exceptions, provided its action is in harmony with the general purpose and intent of this chapter and does not injure the health, safety, morals, or the general welfare of the occupants of nearby properties:

- (1) Permit such modifications of the height, yard area, spacing and parking regulations as may be necessary to secure appropriate development of a parcel of land of such unusual topography or restricted area and shape that it cannot be appropriately developed without such modification;
- (2) Permit the use of a lot or lots in a residential district, which lot (or lots) is adjacent to a commercial or industrial district, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions as may be desirable to protect the more restricted adjacent and nearby properties, provided no other business use is made of the lot;
- (3) Grant a permit for the extension of a use into an adjoining district, where such extension would constitute a nonconforming use and where the lot upon which the existing use is situated extended into the adjoining district and is in single ownership at the time the ordinance from which this section is derived is adopted;
- (4) Permit the reconstruction of a building occupied by a nonconforming

use, provided such reconstruction does not prevent the return of such property to a conforming use;

(5) Determine in cases of uncertainty the classification as to district of a use not specifically named in this chapter; provided, however, that such use shall be in keeping with uses specifically named in the district regulations.

(Code 1999, § 17.44.060)

Karen - Please acknowledge receipt of this note.

## Karen Mericle, City Secretary

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**From:** Tami Perkins [tamiperkins@comcast.net]  
**Sent:** Tuesday, June 08, 2010 10:02 AM  
**To:** bmcintyre1@verizon.net; al\_burns@earthlink.net; chief@clearlakeshores-tx.gov; citysecretary@clearlakeshores-tx.gov; jackie.e.fuller@gmail.com; obthomas@juno.com; 'Richard Sowrey'  
**Subject:** RE: Agenda items

Dear Karen:

Please add the following items to the agenda for the next City Council meeting.

- 1) Regarding Plaza Ten, we have always been told that the reason for its existence is to limit city liability in regard to the properties it now owns. Could legal council give an explanation of how that will work if the Plaza Ten corp. is made up of council members ( the city ). Is P-10 a subterfuge since the city controls P-10, indeed, P-10 IS the city no matter what the incorporation papers state. Specifically, describe legal reasons and case histories which indicate we can in fact limit our liability in case of a lawsuit. Should we consider giving P-10 title to the pool, the parks etc. If no, why go through all these shell game money transfers? Describe instances where this type of corporation saved the city's butt?
- 2) Discuss and vote on whether to reinstate Will Roach's lapsed waterfront leases. He admits he lost track of them ( 2 ). He would like the CC to allow him to pay any fines, back payments etc to retain the slips. (Please insert the slip numbers in question.)

Thank you.

**Plaza Ten 2010 Members**

<b>Position</b>	<b>Member</b>	<b>Staggered Term (Even/ Odd)</b>	<b>Term Ends</b>
<b>1.</b>	O.B. Thomas <b>President</b>	Odd	May 2011
<b>2.</b>	<b>Vice President</b>	Even	May 2012
<b>3.</b>	<b>Secretary</b>	Even	May 2012
<b>4.</b>	Al Burns <b>Treasurer</b>	Odd	May 2011
<b>5.</b>	<b>Director</b>	Even	May 2012